

**IN THE MATTER OF
ERIN COUNCIL
APPLICANT**

*** BEFORE THE
* STATE BOARD OF
* PHARMACY
* Case No: 18-041**

* * * * *

**FINAL ORDER OF DENIAL OF
PHARMACY TECHNICIAN REGISTRATION**

On July 6, 2018, the State Board of Pharmacy (the “Board”), notified the Applicant, **ERIN COUNCIL**, that it was initially denying her a registration to practice as a Pharmacy Technician (Pharm Tech) under the Maryland Pharmacy Act (the “Act”), Md. Code Ann., Health Occupations (“Health Occ.”), §§ 12-101 *et. seq.* (2014 Repl. Vol. and 2017 Supp.) The Notice informed the Applicant that she had 30 days to request a hearing. More than 30 days have elapsed, and the Applicant failed to request a hearing. Therefore, this Order is Final.

§ 12-6B-09. Grounds for reprimand or denial, probation, suspension, or revocation of registration:

Subject to the hearing provision of § 12-315 of this title, the Board may deny a pharmacy technician's registration to any applicant, reprimand a registered pharmacy technician, place any pharmacy technician's registration on probation, or suspend or revoke a pharmacy technician's registration if the applicant or pharmacy technician registrant:

- (23) Violates any provision of this title [;].

Pursuant to § 12-6B-02 (23), the Board charges the Applicant with a violation of:

§ 12-6B-02. Qualifications

(a) To qualify for registration an applicant shall be an individual who:

* * *

(2) Meets the requirements of this section.

(b) The applicant shall:

(1) Be of good moral character [;].

BACKGROUND

The Board bases its decision to deny the registration on the foregoing reasons which the Board has reason to believe are true:

1. The Applicant applied with the Board for registration in Maryland as a Pharm Tech by application dated January 26, 2017, hereinafter the (“Application”).

2. The Applicant indicated on the Application that she had been employed at a National pharmacy chain, the “Pharmacy”, in Abingdon, Harford County, Maryland. The Applicant indicated that she had been employed there since July 1, 2016.

3. Although the Applicant had not checked that she was applying for registration via reciprocity, the Applicant submitted a document signed by her Supervisor, the Pharmacy Manager at the Pharmacy, entitled “APPLICATION FOR PHARMACY TECHNICIAN RECIPROCIDITY CANDIDATES—ATTACHMENT 1: PHARMACY WORK EXPERIENCE AFFIDAVIT”. The Manager attested that the _____ (the name was left blank) “had worked at the Pharmacy for a total of 185 hours in the role of a pharmacy technician from July 1st, 16 to Jan. 17, 17.”

4. On January 27, 2017, the Board advised the Applicant that her registration had

been reviewed and, in order to complete the Application, she would need: a certificate from a board approved training program; technician exam with passing score of 75% or higher; complete #s3 (Certification or training Information and Education Information) on page 4 of the application of highlighted area.

5. The Applicant failed to submit any further documentation pursuant to the above letter from the Board.

6. However, on August 23, 2017, the Pharmacy submitted a Drug Enforcement Administration (DEA) "Report of Theft or Loss of Controlled Substances to the Board. The Report indicated the following:

- A. The theft/loss was caused by employee pilferage;
- B. The loss resulted in \$2276.03 worth of controlled substances;
- C. The security measures undertaken since were to place cameras in high priority areas and weekly counts of C2 medications;
- D. The losses were listed as follows:

Alprazolam ¹ , 2mg	232 tablets
Vicodin HP ² , 10-300 mg	524 tablets
Vicodin ES ³ , 7.5-300 mg	165 tablets

7. The Board then sought further information regarding who caused the loss and was informed that the loss was caused by the Applicant. Specifically, according to

¹ Alprazolam is a benzodiazepine used to treat anxiety and panic attacks.

² Vicodin HP: Generic drug name: Hydrocodone/Acetaminophen, is a pain reliever is used to treat moderate to severe pain. In this combination, there are 10 mg of Hydrocodone and 300 mg of acetaminophen.

³ The "ES" means Extra Strength. In this combination, the hydrocodone is 7.5 mg, and the acetaminophen is 300 mg.

information supplied by the Pharmacy, on June 5, 2017, adjustments had been noticed in the amounts of Vicodin on hand and the Pharmacy Manager was asked to perform daily inventory counts of the medication.

8. On June 8, 2017, a shortage of 23 tablets of Vicodin 10/300 mg was discovered during the daily inventory counts. On June 12, 2017, the camera was moved to cover the targeted medication.

9. On June 20, 2017, another shortage of Vicodin 10/300 occurred. After being advised of this on the 23rd, the Associate Prevention Manager reviewed the Closed-Circuit TV footage for June 20th which revealed that the Applicant had removed a bottle of Vicodin from the Pharmacy shelf, moved out of camera view for approximately 15 seconds, and then returned the bottle to the shelf. The Pharmacy Manager confirmed that no prescriptions for Vicodin were filled on June 20th.

10. On June 27, 2017, the Associate Prevention Manager interviewed the Applicant who admitted that she had stolen various strengths of Vicodin from the Pharmacy over the last several months. The Applicant also admitted that she had stolen Alprazolam, 2 mg by taking handfuls of the medication at a time from the stock bottles and concealing them on her person. The Applicant stated that she had sold the medication to neighbors to help resolve financial difficulties she had encountered.

11. The Applicant then provided a written statement to this effect and signed a Voluntary Restitution/Promissory Note in the amount of \$88.86, which was taken from her cash salary payout.

12. On June 27, 2017, the Applicant was terminated from employment with the Pharmacy for theft.

13. Based upon the above, the Applicant has been charged with the following in the District Court of Maryland for Harford County:

Charge Description: CDS OPIATE W/O PRESCRIPT Charge Class: Misdemeanor

Charge Description: THEFT LESS THAN \$100.00 Charge Class: Misdemeanor

Charge Description: CDS: POSSESS-NOT MARIJUANA Charge Class: Misdemeanor.

BASIS OF DENIAL

14. By stealing drugs from her pharmacy employer and selling them for financial gain, the Applicant demonstrated lack of good moral character, in violation of § 12-6B-02 (a)

(In general. -- To qualify for registration an applicant shall be an individual who:

- * * *
- (2) Meets the requirements of this section.

(b) Good moral character; -- The applicant shall:

- (1) Be of good moral character [;].).

CONCLUSIONS OF LAW

Based upon the above, the Board concludes, as a matter of law, that the Applicant violated § 12-6B-09 (23) and § 12-6B-02 (a), (2) (b) (1) of the Act.

ORDER

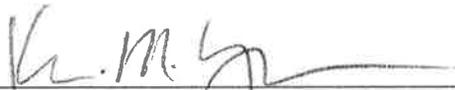
As set forth above, the Board hereby Orders, that the registration to practice as a Pharmacy Technician in Maryland held by **ERIN COUNCIL**, the Applicant, be and is **DENIED**, and that this Order is public, pursuant to Md. Code Ann. General Provisions

§§4-101 *et seq.* (2014 Vol. and 2017 Supp.).

NOTICE OF RIGHT OF APPEAL

In accordance with § 12-316 of the Act and the Administrative Procedure Act, Md. Code Ann., State Government (State Govt.). §§ 10-201, *et seq.* (2014 Repl. Vol. and 2017 Supp.) you have a right to a direct judicial appeal of this decision. A petition for appeal of the Final Board Order shall be filed within thirty days from your receipt of this Final Order and shall be made in accordance with the forecited authority.

8/15/2018
Date



Kevin Morgan, Pharm.D., President
Board of Pharmacy